Power of the Railroad Commissioners to Grant a Third-Track Franchise Is Questioned and Likely to Cause Litigation.

WEIGHTED DOWN WITH SUITS

Property-Owners on the West Side Are Claiming \$100,000,-000 for Damages on Account of Third Track Already Built.

mally an order-of the Railroad Commissioners that the Manhattan Ele-Railroad Company take drastic by putting on 300 extra cars by April : and build third tracks on three branches many months to solve, and thus hamper the fulfilment of the Commission-

utes are built no property owner can be deprived of his light or air except when grave public necessity demands it. and even then he is entitled to re-

Thousands of Suits Brought. Under the franchises that allowed the empany to build the third tracks row in use the municipality promised immufrom further damage suits. Nevertheless, thousands of these suits have Big Wave Came Aboard La Lorthey are now awaiting decision in the higher courts. These suits, which all grew out of the building of the third tracks, aggregate \$100,000,000, so that a decision against the road would mean practical ruin for the company and would necessarily preclude any further exten

This already complex situation is now involved by the action of the Hailroad Commissioners. The question as to the scope of their powers, which before any good is accomplished may have to be adjudicated, is likely to hold

the power to grant franchises to the company for the further extension of the third tracks, their powers will imenter into relating to the present third track

Conference Resumed. At the conference between the Rail-

road Commissioners and the railroad officials, which was resumed to-day, this matter was taken up and discussed at length. The counsel for the road expressed the opinion that the wide scope of the law founded on public necessity-or as it is technically called. public policy-would help them out of the diffiulty.

day at the offices of the Manhattan Rallwhether or not the order of the State Board of Railroad Commissioners had been served. It was said that no state-ment would be given out regarding the order or the action of the Commission-ers, it being the intention of the officers of the road not to discuss any of the questions involved for publication.

Gould Had the Same Idea. In 1888 George Gould offered to solve the transit problem by extending the third-track service, together with vari-ous spurs and additions to the road, pro-

ded the city would assume responsi-lity for damages.

The Rapid Transit Commission re-sted this proposition and the subway ystem was recommended instead, lines then the Manhattan has sought The ine Mannattan has sought to proportunity to grab light and ce by extending its structure until Appellate Division of the Suprement decided that property owners ag the line were entitled to recover ages to property resulting from the policie recoing in of the street by the

y convergent with the affairs of Sanhattan company were saying to-that the Railroad Commissioners comply have hit upon a plan more to meet with enthusiastic co-op-m from the company than the neudation of the completion of pd-track system. The consent of ip to the improvement will be sty, but there is likely to be little over that in view of the State Commission's order and the y for transit improvement.

steel structure is in bad condition. A mechanic connected with the company recently said that to insure safety the entire steel work in Taird avenue must be repaired soon. During the last few months 200,000 new bolts have been put into the Third avenue structure, and it was found that a larger size of bolts had to be used in replacing the old ones. This showed that the constant vibra-tion had worn the iron, and there are many pieces of the work that must be

replaced.

To a greater or less extent this same condition exists on the other lines. Not only that, but there are many places where the company would like to make improvements in the structure—change the grade or the steel standards and in many places the station structures. All these things the company has had in mind for some time, but the addition of the third track was what was most

City Must Indorse Action.

Until now they have deferred any at empt at adding the third track because of the opposition they would have had from the city authorities. The crusade of the last few weeks, they believe, has had a tendency to remove all this, and the city will now practically be compelled to indorse the recommendations of the State Commission and grant the privilege of the third track.
Vice-President and General Manager

Alfred Skitt, of the "L" system, has been in an indignant and sullen mood since the Railroad Commissioners came to town, but he was all smiles to-day and said cheerfully:

"The third-track idea is entirely ticable, and has been under consideration for some time by officials of the road. The work can be done without building new structures. It will necesitate merely the erection of arms from the present structures. To do this would not require a great deal of time."

Mr. Skitt said he would not discuss the other recommendations until he had considered them carefully and reviewed them with other members of the com-

Will Mean Relief Anyway.

Sylvester D. Smith, superintendent of the road, said to-day that the third track recommedation was a good one, as would enable the company to run see the fulfilment of the Commissions of plans. That problem is:

Have the Commissioners the right of the Manhattan Commissioners the build the extra tracks? For the past decade the Manhattan evated Railroad Company has enavored to obtain a franchise permitting it to extend its third tracks roughout the system, but refrained in a face of threats of a multiplicity damage suits and injunctions by operty owners along the route. Under the common law upon which our states are built no property owners along the route. Under the Metropolitan system and of the Metropolitan system and the commission has the power to enforce its orders." Said Mr. Smith, "and the company will obey them." more trains. The order that the com

Under this law millions of dollars have seen paid out by the "L" road since the structure was first built. SMOKING-ROOM

raine and Passengers Had a Fine Time on the Icy Floor.

orraine, which arrived in this port today, had an unusual experience in midocean last Tuesday. Early in the mornplate glass windows of the smokingroom, flooding it and adjoining apartments. When the passengers appeared after breakfast the smoking-room was skating rink in which weird performances were accomplished by such as

Outside of this the voyage was reasonably placid. Thebold Chartran, the renowned painter, was one of the pas-sengers. He announced that he had secured a contract from the French a gigantic picture to be called the Apotheosis of Victor Hugo. The canvas will be 9 by 16 feet and include 136 fig-

M. Montaignac, a French art dealer and artist, was a passeenger. He comes to the United States to purchase pic-

cessity—or as it is technically called, iblic policy—would help them out of e diffiulty.

No statement could be obtained toNo statement could be obtained towhich some of the finest old masters
of the Barbian School will be offered.
It would appear that in time you will
get all of our old works of art and we
wish the could be obtained towhich some of the finest old masters
of the Barbian School will be offered.
It was said that no statewill be said. "I come here
to make purchases. In Philadelphia
met month there is to be a said at
which some of the finest old masters
of the Barbian School will be offered.
It was said at the said. "I come here
to make purchases." In Philadelphia
met month there is to be a said at
which some of the fine

ONE KILLED ON GRAND TRUNK

Passenger Train Crashes Into

afternoon regarding the Gubernatorial situation. It will indicate that he will situation. It will indicate that he will not be an active candidate for Governor. It will state that if the universal sentiment of the party had pointed to him as the most avaliable candidate he would have entered the field, but that he is convinced much a sentiment does not exist at this time.

The statement will not indicate any choice for the nomination, and he pledges his support to the nominee.

CAPT. O'REILLY'S BLOQUENT MUSTACHE MAKES WORDS UNNECESSARY IN TENDERLOIN. FOUCHT AS KIDD ODELL'S FEAT

" LE VICINIOS BASUNDAS EN BAING, JANUARS O, 1908.



Colored Porters Put at Work as Ticket - Choppers and the Management Saves 15 Cents a Day on Each.

CHEAPER THAN WHITE LABOR

Colored "L" Porters-No physical or mental examination required; daily wages, \$1.10. White "L" Choppers-Rigid examination; \$500 bond; daily wages, \$1.25 each.

This shows where the good people of Manhattan suffer and the Manhattan Elevated Railroad Company benefits through the placing of fifty-six colored ticket takers or "choppers" on the vari employing of a still larger number of second-class employees along the Sixth avenue and Ninth avenue lines. The old ticket-takers, known by their first names o many patrons of the "L" roads, have been placed upon the train platforms, nd scarcely a dozen remain at their ormer duties.

It is "an ill wind that blows" against the "L" officials. Complaints against this latest move in the direction economy are heard on all sides from the and fammed by the everyday crush. Not hat the new ticket-takers should be accepted without proper tests as to their mental and physical fitness for the du-ties assigned to them is condemned. To cheapen the cost of operating the system appears to be the principal aim

the present management. Take a rip along any of the four arms of the "L," and, but for the weather, the passenger might fancy himself in Mobile, Ala., or in Rio Janeiro, Brazil, judging from the number of strange dark faces seen leaning over the ticket-boxes.

Here is the result of a count made today by an Evening World reporter:
Ninth Avenue—Seven white ticket-boxes.

public against the crowding of the trains and The World brought the matter to the attention of the State Railroad Commissioners. The present investigation was started, and coverily the company began to put on extra trains. Ticket-choppers who had grown gray in that branch of the service were grabbed and put on the platforms of the extra trains.

Very quietly at first the colored porters were started performing the work of the white ticket-choppers. They would be placed at the boxes for only a few hours. After a time the change, became general, and their work at the ticket-boxes was made regular. When an extra porter was needed he was hired at \$1.10 per day, while the man whose place he took filled the place of a white man who carned \$1.25. Until now the ticket-boxes of the entire system are practically in the hands of the former porters and new colored employees.

"What has become of the old choppers?" was asked of an old employee by an Evening World reporter.

"On the trains," was the reply.

"And what of the old porters?"

"They are now at the ticket-boxes."

"Who dill their places?"

"Other colored men," was the cautious reply.

"It would not do for me to talk, for

BAN PUT ON GUARDSMAN.

Union Men Will Strike if Potter Works,

SCHENECTADY, Jan. 3 .- The twenty men in the employ of the painting contracting firm of Shafer & Barry, of this city, announced to their employers this morning that they had decided at a

District-Attorney Jerome says of Police Commissioner Greene's action in reducing all wardmen to patrolmen:

"It was the best possibly thing that could have been done for the beneat of the department. There is not so much corruption and blackmall in the department as there once was. This I know personally. But I also know that there is still corruption and blackmall. "The rotten men in the department know that a man coming from civil life has to feel his way. But now comes a man who knows where the rottenness is and strikes at the root of it. He demonstrated this yesterday. As a result the rotten men are all scared and their rotten men Stir the New Commander.

An Evening World Man Studies Its Peculiari-

his morning it was strung up to so FIFTH MOOD-WONDERMENT. high a nervous tension that when the first gray streaks of dawn, he brought white mustache. It was the worst night. mare that has assailed the slumber of that centre of strenuous frivolity since the ominous presence of the Chapman

This mustache is the salient feature of Miles O'Reilly, the new commander of the precinct, and by it can be read the moods and tenses of this doughty captain, who reads the statute laws by the letter and not through the "system" lens. This mustache has seven moods, embracing the gamut of the emotions that stirred Capt. O'Reilly on his first night in the Tenderloin, They are:

description of the Auditorion of the Site of the Auditorion of the Site of the Composition of

when the Captain wears that air of easy indifference the mustache droops placidly. Not loose or limp, but at rest, curv ready to quicken into action at the first impulse of the heart.

SECOND MOOD-INTEREST. As the hours of the evening wore on Each bristle as it settled firely into the brooms of the precinct detectives began to sweep into the station some of the characteristic flotsam and jetsam of which the situation demands, and had the district, and the conversations over the sergeant's desk assumed that distinctive flavor which has its origin in the Tenderloin. The new commander of the maelstrom.

The bristles of that mustache begar to stiffen, slowly, almost imperceptibly It seemed as if each white hair possessed its own nerve centre, which wa working up to business.
THIRD MOOD-MILD SURPRISE.

Wide Engine.

ST. CATHERINE'S, Ont. Jan. 3.—A serious and fatal accident occurred on the Grand Trunk Railroad to-day just west of the Merritton tunnel. Train No. 4, the Chicago express, eastbound, consisting of two baggage cars, two day an eighty-ton engine collided with another eighty-ton engine, collided with another eighty-ton engine, collided with another eighty-ton engine running light to Hamilton.

Fireman Desoult was killed and Engineers Buckpitt and Duke and Fireman Horning seriously injured.

The injured men were brought to the hospital here. Both engines and the baggage car were badly wrecked.

The thirty passengers escaped with a baggage car were badly wrecked.

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Amerisces He Will Not Re a Candarian the manning of the Manhattan Elevated Railroad of this manning of the Manhattan Elevated Railroad of the manning of the Manhattan Elevated Railroad of the bards of the manning of the bards of the bards of the manning of the manning of the bards of the bards of the manning of the manning of the bards of the manning of the manning of the manning of the bards of the manning of the manning their normal curve, almost hiding the smile of amusement that played about

FOURTH MOOD-ASTONISHMENT. Early in the evening Capt. O'Reilly had a short and pointed talk with his patroimen, in which he told them that he would hold them individually responsible for their posts, and later in the evening he made a tour of the precinct. As he was passing a small redict house with green blinds, which were shut tight, the door suddenly opened and from within came the sound of the click of chips. The Captain of the click of chips. The Captain are farmers. Guaranteed Cure for Piles.

Iching, Blind, Bleeding and protruding Piles.

Iching, Blind, Bleeding of the union, held last evening.

Iching Piles.

Iching Pile

tache showed the concentrated mental force the man is capable of when he makes up his mind. As his jaws set stiffly after he had slowly announced. "We will certainly attend to this," the bristles of the mustache set back stiffly in their normal droop and began o contract over the tightly closed line the man to take immediately the action the law-breakers been there to see they would have gone away filled with fear and misgiving.

MABON DISTURBS BELLEVUE.

Doctor's Early Morning Visit Give Rise to Rumors of Changes.

The employees of Bellevue Hospita happened to be on duty at 7 o'clock this morning, were very much surprised to see the new superintendent, Dr. Will. iam Habon, about the institution

Soon after reaching the hospital this morning Dr. Mabon summoned all the heads of departments and talked over with them the work of their depart ments and what was expected of them Rumors that Dr. Mabon was going to make many changes were soon rife. When asked about these reports Dr.

"While the reorganization of this institution may make many changes necessary, I am not going to be hasty. will make a thorough investigation of each department, and when occasion arises for a change it will be made for the best interests of the institution. I do not anticipate any immediate changes."

HEIRESS TO \$30,000 GONE.

Police of Two Cities Looking for Sarah Harvey. (Special to The Evening World.)

PITTSBURG, Pa., Jan. 3.-On the night of Sept. 4 Miss Sarah Havey, ormerly of this city, bade her friends good-by at the Union Station and boarded a train for Philadelphia. An

USED TO FIGHT. SWORN TO PL

Lopez, with a Bar of Iron, Rc- Governor Declares They Are in called the Days of the Rough Sea Fighters of the Spanish

CRUSHED FRIEND'S SKULL. ARE IN CONFERENCE TO-DAY

Then, with His Improvised Weapon, He Defied the Ship's Crew, but United States Officers Got

(Continued from First Page.)

Proper Step, Says Jerome.

Walsh Starts with Roses.

LORD CHARLES COMING.

Denied that He Is to Join the Ship-

ping Trust.

BREMEN. Jan. 3.—The North German Lioyd steamer Kaiserin Maria Theresia. which is to sail from Bremen to-day and from Southampton to-morrow, will take among her passengers Admiral Lord Charles Beresford.

There is no truth in the report, circulated in the United States, that the Admiral is to take a position with the International Mercantile Marine Company.

KNOCKED FROM HIS CAB.

Engineer in Maryland Meets a

a Strange Death.

CAUSES PANIC.

GREENE'S ORDER

Three days before Christmas, down in he Spanish Main, where his forefathers once swept proudly with their gold lade galleons, Jose Lopez, rose up in Spanish wrath and violated the law of the high seas and the United States as well. Not with the belaying pin, which perchance of modern steel, he struck a fellow coal passer on the United States ship, Cheokee, and cracked his good American skull from the top of his head to the ase of his brain.

lonely watches of the night, and it would not be surprising if some of them who have been on the force long enough to insure themselves against want should ask for retirement. Edward Hanlon had the misfortune to e the victim of the blow. He is now in the Seaman's Hospital in this city.

Lopez is charged specifically with deadly assault on the high seas," and this means that he must face a long term of imprisonment in case of conserious one by the United States stat utes. While he denies the facts as set goes to show that he not only laid out Hanlon but terrorized the whole ship, and all but escaped punishment by his daring.

Small but Tough. Lopez is a small man but a tough one

Acting Inspector Richard Walsh opened his headquarters in the West Sixty-eighth street station this morning and said that he had become sufficiently acquainted with his inspection district to start in and do police work. He will occupy the same rooms with Capt. Frank Kear, in command of the precinct. One clerk was at work, and the Acting Inspector expects to have more shortly. He shipped on the Cherokee along with and said that he had become sumctently to start in and do police work. He will to start in and do police work at work and the police was at work, and the police was at work, and the police of the person had simply do when the person had for person had simply do when the verson had for person had simply do when the verson had for person had the person had for person had for person had for person had for p Hanlon when the vessel left this por the Yorkville Court to-day an aged colored man. The prisoner said he was

Defied the Whole Crew.

the Spaniard there until he was taken into custody by United States Marshal Henkel, who was notified on the ship's arrival here. Hanlon was sent to the hospital. His condition is said to be

HE SAT DOWN TO DIE.

Ballad Singer, of Park Row, Calls for a Drink and Expires. A broken-down character known

Cornelius Ahearn, who for some time past has lived by singing ballads in the cheap groggeries along Park Row, last evening entered McKeon's resort, at No. 158, and calling for a glass of beer sat down at a table in the rear of the Later the quietness of Ahearn attract-

ed the attention of a bartender, and then it was discovered that the man WILMINGTON, Del., Jan. 3.—George
B. Askew, an engineer on the Philisdelphia, Baitmore and Washington
Railroad, was struck by an upright at
Big Elk Creek, near Elkton, Md. today and hurled from his car into the
day and hurled from his car into the
stream, which was a raging torrent by
stream, which was a raging torrent by
reason of the heavy rains of last night.

He was swept away and drowned.

had sung his last song and had his last
loss on our side was high, but in almost no case did the American troops
surrender or retreat or have to leave
to bury his brother, but managed to get
arrested for being drunk. He was set
free in Jefferson Market Court this
morning.

Perfect Harmony and There Will Be No Opposition to Senator's Re-Election.

Together with Lieut.-Gov. Higgins Speaker Nixon, Senator Raine and Chairman Dunn, They Die cuss Political Odds and Ends.

tor Platt, is prompt to-day with a re-iteration of the Senator's statement the there is no "trouble in the camp."

"I have so repeatedly said that there is perfect harmony between the Senate and myself and other Republicans," said would have teen more in keeping with the Governor to-day at the Fifth Avents ancestral traditions, but with a bar nue Hotel, "that I do not deam necessary now to add renewed denia; of rupture stories. I am in favor of the Senator's re-election to the Unite States Senate and will give him mest support. The Senator will succeed himself !

Senate and absolutely no opposition saw and spoke with the Senator to trial to-day by United States Commissoner Shields on complaint of the skiple greetings. I shall see him for several per of the Cherokee, which got into port Lieut-Gov. Frank Higgins, Speaken Nixon, Senator Raines, and Chairman Dunn, of the Republican State Execu tive Committee, met Gov. Odell and Senator Platt in the latter's apartments They went into executive session, while a faithful herde of Republicans remained in the corridors awaiting the result of the conference. Gov. Oden result of the conference. Gov. Odelf told the newspaper men that the con-ference would continue throughout the

day.

Asked the nature of the business to he discussed he said, "We will deliberate on political odds and ends." Then the Governor smiled and entered the construction of the construction

EUROPE MENACES CHINA. nity Be Paid in Gold.

PEKING, Jan. 3.—The signatories of the Chinese peace protocol, except the American, have consulted their respects decided to identically notify China that her failure to fulfil the obligations pro-vided for by the protocol will entail grave consequences.

compromise, if China will admit that the protocol demands the payment of the indemnity on a gold basis and confine hea arguments to the hardships resulting from the increase of the debt by nearly 20 per cent, since the signing of the protocol, through the depreciation in the value of silver.



Sleep for Skin-Tortured Babies and Rest for Tired. Fretted Mothers

SOAP and gentle applications CUTICURA OINTMENT, purest of emollients and greatest of skin cures, This is the purest, sweetest, most speedy, permanent and economical treatment for torturing, disfiguring, itching, burning, bleeding, scaly, crusted, and pimply skin and scalp humors, eczema, rashes and irritations with loss of hair, of infants and children, ever compounded. Sold throughout the world.

The Philippine War.

Between Feb. 4, 1899, ar... April 30, 1902, the American troops took part in 2,561 engagements. In many of these engagements the percentage of loss on our side was high, but in al-

Hitting Up a Hot Pace.

The New York Daily News as a morning newspaper is hitting up a mighty hot pace. I fancied that in changing it slambang from an evening to a morning newspaper it would naturally lose a lot of circulation. But instead of a loss, it has gained 25,000, and this in only three days.

There is nothing like giving the people what they want, and giving it to them at a right price.

The Daily News Costs One Cent.

It is clean, honest, independent, fair and is easy to read. On All Newsstands.

Frank A. Munsey.